

**SUPREME COURT MINUTES
WEDNESDAY, DECEMBER 7, 2005
LOS ANGELES, CALIFORNIA**

The Supreme Court of California convened in its courtroom in the Ronald Reagan State Office Building, Third Floor, South Tower, 300 South Spring Street, Los Angeles, California, on December 7, 2005, at 9:00 p.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegarr, Chin, and Moreno.

Officers present: Frederick K. Ohlrich, Clerk; and Gail Gray, Calendar Coordinator.

Justice Elia, not participating in consideration of the following case, did not take the bench.

In light of the current vacancy on the California Supreme Court, the Honorable Richard D. Aldrich, Associate Justice, Court of Appeal, Second Appellate District, Division Three, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

S136294 Edward J. Costa et al., Petitioners,

v.

Superior Court of Sacramento County, Respondent;

Bill Lockyer et al., Real Parties in Interest.

Cause called. Mr. Daniel M. Kolkey, argued for Petitioners.

Mr. Manuel Medeiros, Office of the Attorney General, opened argument for Real Parties in Interest Bill Lockyer et al.

Ms. Deborah Caplan continued argument for Real Parties in Interest Californians for Fair Representation – No on 77.

Mr. Kolkey replied

Cause submitted.

Justice Aldrich, not participating in consideration of the following case, did not join the bench.

In light of the current vacancy on the California Supreme Court, the Honorable Richard David Fybel, Associate Justice, Court of Appeal, Fourth Appellate District, Division Three, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

S124636 The People, Plaintiff and Respondent,
 v.
 Vincent Peter Hofsheier, Defendant and Appellant.
 Cause called. Mr. John H. Deist, Office of the Attorney General, argued
 for Respondent.
 Mr. Paul Couenhoven, Court-appointed Counsel, argued for Appellant.
 Mr. Deist replied.
 Cause submitted.

Justice Fybel, not participating in consideration of the following case, did not join the bench.

In light of the current vacancy on the California Supreme Court, the Honorable Arthur Gilbert, Presiding Justice, Court of Appeal, Second Appellate District, Division Six, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

S036864 The People, Respondent,
 v.
 Jose Francisco Guerra, Appellant.
 Cause called. Mr. Arnold Erickson, Office of the State Public Defender,
 argued for Appellant.
 Ms. Alene M. Games, Office of the Attorney General, argued for
 Respondent.
 Mr. Erickson replied.
 Cause submitted.

Court adjourned.

S136154B173281 Second Appellate District,
Division Five

ANGELUCCI v. CENTURY SUPPER CLUB

Extension of time granted

to Century Supper Club, respondent, to file answer brief on the merits is extended to February 10, 2006.

S139314

O'NEILL ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **WILLIAM O'NEILL III, State Bar No. 69629**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the act specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S139316

NAUS ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **Joseph W. Naus, State Bar No. 192487**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rule of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed. *Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

